

Public Notice

TAKE NOTICE, Northern Virginia Hospitals Local Human Rights Committee (NVH LHRC) pursuant to *The Rules and Regulations To Assure the Rights of Individuals Receiving Services From Providers of Mental Health, Mental Retardation and Substance Abuse Services*, Part V, 12 VAC 35-115-220, Variances, pages 37-38 has received an application from Northern Virginia Mental Health Institute (NVMHI) requesting a variance to 12 VAC 35-115-160, the Informal Complaint Process and 12 VAC 35-115-170, the Formal Complaint Resolution Process of these regulations.

In its applications NVMHI states that it has fully comported with the requirements associated with the complaint processes in the regulations cited above. The requested variance specifies substitute procedures for handling complaints in a way that continues to protect the individual's rights. In addition to the substitute procedures, treatment interventions have been designed with the goal of supporting the involved individual to make the changes that will end the applicability of the variance at the earliest possible time. The application is submitted because continued operation without a variance is no longer feasible and is preventing the delivery of effective and appropriate services and supports to the involved individual.

The proposed variance to the informal and formal complaint process is as follows:

Proposed Variance to the Complaint Process

1. The treatment team will use sound therapeutic practice to address the individual's concerns in a manner consistent with the individualized treatment (services) plan. This plan is designed to support the individual to develop skills in problem solving, conflict resolution, and social interaction.
2. The Facility Director will appoint a staff member uninvolved in the individual's treatment to review all of his written complaints. This staff member will be a trained abuse/neglect investigator familiar with the Human Rights Regulations.
3. Distinctions will not be made as to formal or informal complaints. There will be one process to address all complaints.
4. The appointed individual will review all written complaints once per week and determine whether there is a need to investigate a potential violation of Human Rights Regulations. Any complaint involving possible abuse, neglect, or exploitation will be forwarded directly to the Facility Director.
5. Complaints that the reviewer determines are potential human rights violations will be processed within ten working days and the individual will be notified.
 - a. If the individual chooses to appeal the reviewer's findings, he will notify the Facility Director within five working days of notification of findings. The Facility Director and the Human Rights Advocate will review the appeal.
 - b. If the Director and the Human Rights Advocate find the appeal has merit, the Director will investigate further, make a final decision and notify the individual within 10 working days.
 - c. If the two agree that the appeal does not have merit, the complaint will be closed. The patient will be notified.

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- d. If the Director and Human Rights Advocate do not agree on whether or not the complaint appeal has merit, the complaint will go to the LHRC for review.
6. Complaints that the reviewer determines are not potential human rights violations will be reviewed by the Facility Director and Human Rights Advocate on a weekly basis to assure integrity of the process.
 - a. If the Facility Director and the Human Rights Advocate agree that the complaint is not a potential human rights violation, the complaint will be closed. The patient will be notified.
 - b. All written complaints found not to be potential human rights violations by the reviewer, Facility Director and Human Rights Advocate will be returned to the head of the treatment team for processing within the context of the individual's clinical services plan.
 - c. If the Director and Human Rights Advocate do not agree on whether or not the matter represents a potential human rights violation, the matter will go to the LHRC for review.
7. To further support the individual to focus on his treatment goals, he will be restricted from pursuing complaints on behalf of other patients, with or without their knowledge or consent. The treatment team will address this behavior as a therapeutic issue.
8. Consistent with the Regulations, the variance outlined above will be reviewed in one year's time by the Facility Director and LHRC to determine whether the variance is still required. The variance will no longer be applicable when the individual demonstrates that use of the complaint process no longer significantly interferes with his treatment involvement or interpersonal functioning. In addition, periodic status reports will be provided to the LHRC at their request.

The NVH LHRC shall review the application and prepare a written report of facts, which shall include its recommendation for approval, disapproval, or modification. The NVH LHRC shall send its report, recommendations, and a copy of the original application to the State Human Rights Director, the State Human Rights Committee and the Director of Northern Virginia Mental Health Institute (NVMHI).

The NVH LHRC hereby invites oral and written statements about the application and proposed variance from the human rights advocate and other interested persons.

Written comments must be received on or before 5 PM, Friday, June 10, 2005. Address written comments to: Mr. Musa Ansari, Regional Human Rights Advocate, Attention Mr. James Merrill, NVH LHRC Chair, 9901 Braddock Rd, Northern Virginia Training Center, Building 4, Fairfax, Virginia, 22032-1941.

Oral comments will be received at the public meeting scheduled for 7 PM, Monday, June 13, 2005 in the Main Meeting Room at Northern Virginia Mental Health Institute, 3302 Gallows Road, Falls Church, Virginia 22042-3398.